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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,912	09/23/2004	Bernard Grehant	92936	8162

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CHICAGO, IL 60606

EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,912

Applicant(s)

GREHANT, BERNARD

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/22/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed August 22, 2007 by a request for continued examination.

Claim 11 is cancelled. A new claim 19 is introduced.

Claims 10 and 12-19 are pending.

Response to Arguments

Applicant's arguments with respect to claims 10 and 12-19, filed August 22, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, the phrase "a command transmitter" is confusing and unclear. It is not understood what is meant by such a limitation. Is the device including a command transmitter? Is a command transmitter separate device that transmits signal to the device?

In claim 10, the phrase "a transfer means" is confusing and unclear. It is not understood what is meant by such a limitation. Is transfer mean for transfer to the processing unit? Is a transfer means the receiver of the device?

Referring to claims 12-16 are rejected as being dependent upon rejected claim 10 above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (US# 6,452,483).

Referring to claims 10 and 19, Chen et al. disclose a system, a device and a method for remotely controlling a power door lock (31) (i.e. an actuator) including a motor (not shown) to operated a closure element (column 3 lines 44 to 62; see Figures 4 to 7), the system or device comprising:

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A base controller 30 (i.e. a processing unit) (column 4 lines 27 to 38; see Figure 4);

A remote programming unit (11 and 26) (i.e. a command transmitter) (column 5 lines 51 to 65; see Figure 4);

A base receiver 10 (i.e. a transfer means) (column 5 lines 33 to 40; see Figure 4);

The device being configured to transfer to the base controller (30) (i.e. a processing unit), from the remote programming unit (26) (i.e. the command transmitter), a processing program that alters the operation of the actuator, said processing program being stored in directly executable form (column 6 lines 7 to 38; see Figures 4-7).

Referring to Claim 12, Chen et al. disclose the device according to claim 10, wherein the processing unit (30), a base transceiver (85) (i.e. a radio transmitter), and the actuator define a communication, processing and actuation unit, said radio transmitter (85) configured to communicate in a reception mode and in a transmission mode with any radio frequency device sharing the same transmission protocol (column 8 line 63 to column 9 line 4; see Figure 8), wherein the communication, processing and actuation unit is configured to receive, store, and execute the processing program (column 5 lines 51 to column 6 line 39; column 9 lines 5 to 12; see Figures 4-8).

Referring to Claim 13, Chen et al. disclose the device according to claim 10, wherein the processing unit (30) comprises a microcontroller (1) (i.e. a microprocessor) which executes one or more programs contained in a nonvolatile operation memory (3)

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(i.e. a program memory) having at least one reprogrammable portion (column 6 lines 26 to 49; see Figures 4 and 7).

Referring to Claim 14, Chen et al. disclose the device according to claim 13, wherein a non-erasable program memory (3) contains a storage area configured to store at least one code segment relating to the type of hardware (i.e. operation) installed in the processing unit (30) (column 5 lines 16 to 32; see Figures 4 and 8)

Referring to Claim 15, Chen et al. disclose the device according to claim 14, wherein the reprogrammable memory (2) contains a storage area configured to store at least one code segment relating to an application (column 4 lines 35 to 46; column 5 lines 29 to 32; see Figures 4 and 8).

Referring to Claim 16, Chen et al. disclose the device according to claim 10, wherein the remote programming unit (11 and 26) (i.e. the command transmitter) contains the executable program to be transferred, and includes a transceiver (80) (i.e. a two-way transmitter), remote programming unit (26) (i.e. a processing and actuation unit), and a circuitry (i.e. a control unit), in which the program to be transferred is stored (column 5 lines 51 to column 6 line 25; column 7 lines 52 to 63; see Figures 4 to 6).

Referring to Claims 17-18, Chen et al. disclose a method for altering an actuator's operation, to the extent as claimed with respect to claim 1 above, and the device further including: a programming transmitter (11) (i.e. transmitting) binary data by means of

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radio waves to the actuator (column 6 lines 26 to 60; column 6 lines 52 to 63; see Figures 4-6);

At least one function-programming request code (i.e. a product identification code) (column 7 line 64 to column 8 line 14);

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shanahan (US# 6,496,692) discloses a methods and apparatuses for programming user-defined information into electronic devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
October 29, 2007



BRIAN ZIMMERMAN
SUPERVISORY PATENT EXAMINER